

UNITED STATES DISTRICT COURT

for the
Southern District of TexasUnited States Courts
Southern District of Texas
FILED

May 18, 2022

Nathan Ochsner, Clerk of Court

United States of America
v.
Clemente LUERA YOB: 1979

Case No. 7:22-MJ-991-1

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 17, 2022 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

Title 18 USC 922(g)(1)

It should be unlawful for any person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year, to possess in or affecting commerce, any firearm which has been shipped or transported in interstate or foreign commerce.

This criminal complaint is based on these facts:

See Attachment A

Continued on the attached sheet.

Authorized by: AUSA Eric D. Flores

/s/ Brenda V. Leal

Complainant's signature

Brenda V. Leal, ATF Special Agent

Printed name and title

Submitted by reliable electronic means, sworn to

Attested telephonically per F.R.C.P.4.1.

Date: May 18, 2022 at 7:31 a.m.City and state: McAllen, TX

Judge's signature

Printed name and title

This affidavit is in support of the criminal complaint charging Clemente LUERA (hereinafter referred to as "LUERA"), with the criminal violation set forth in Attachment A. The evidence available to me demonstrates that there is probable cause to believe that LUERA has violated Title 18 U.S.C. 922(g)(1) which provides as follows: It should be unlawful for any person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year, to possess in or affecting commerce, any firearm which has been shipped or transported in interstate or foreign commerce.

Further, the Affiant states as follows:

On May 17, 2022, Hidalgo County Constable Pct. 4 marked unit conducted a traffic stop on a 2007 maroon Ford Expedition for Defective Equipment Violation (3rd Break Light), Signaling Turns; Use of Turn Signals TC 545.104 (100 ft), Failed Main Financial Responsibility in Pharr, TX. The driver, later identified as Clemente LUERA, subsequently provided the deputies verbal consent to search his vehicle. A Hidalgo County Constable Pct. 4 K-9 also alerted on the vehicle which resulted in the discovery of a Barret Firearms Inc., model: 82A1, 50 caliber rifle with SN: AA012476 wrapped in cellophane. The aforementioned rifle was located in the back passenger seat, beneath folded back seats, of LUERA's vehicle.

During a post-Miranda interview, LUERA admitted to being a convicted felon in which he was sentenced to 28 months in prison and four (4) years of supervised release for bulk cash smuggling. LUERA further admitted that he was aware that he could not possess firearms and/or ammunition due to his felony conviction and current federal probation status.

Your affiant obtained Judgment of Conviction documents for LUERA which revealed that LUERA had been convicted for Bulk Cash Smuggling on November 9, 2017, in the Southern District Court of Texas.

Your affiant spoke with ATF Special Agent Eduardo Ramirez, who is a recognized expert in the interstate and foreign commerce travel of firearms and ammunition. SA Ramirez conducted a preliminary examination of the aforementioned firearm and determined that the Barret Firearms Inc., model: 82A1, 50 caliber rifle, SN: AA012476 was manufactured outside the State of Texas. Therefore, the firearm had previously traveled in interstate or foreign commerce prior to being possessed by any person in the State of Texas.